

AMENDED IN ASSEMBLY JULY 6, 2009

AMENDED IN SENATE JUNE 1, 2009

AMENDED IN SENATE MAY 6, 2009

AMENDED IN SENATE APRIL 20, 2009

SENATE BILL

No. 173

Introduced by Senator Florez

February 14, 2009

An act to add Article 6.7 (commencing with Section 110808) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 173, as amended, Florez. Food safety: testing and recalls.

Existing law, the Sherman Food, Drug, and Cosmetic Law, authorizes, for purposes of enforcement of the law, an authorized agent of the State Department of Public Health to, among other things, enter any factory, warehouse, or establishment in which any food is manufactured, packed, or held, enter any vehicle that is being used to transport or hold the food, and inspect any factory, warehouse, establishment, vehicle, or place, and all pertinent equipment, raw material, finished and unfinished materials, containers, and labeling in the factory, warehouse, establishment, vehicle, or place. Existing law authorizes the agent to secure any sample or specimen of any food, as specified. It is unlawful for any person to refuse to permit entry or inspection, the taking of samples or other evidence, or access to copying of any record as authorized by this part, or to conceal the samples or evidence, or withhold evidence concerning them. A violation of the law is a misdemeanor.

This bill would authorize the State Public Health Officer to adopt regulations regarding the voluntary recall of food that, without intervention, could transmit an illness that could kill or seriously affect the health of humans, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 6.7 (commencing with Section 110808)
2 is added to Chapter 5 of Part 5 of Division 104 of the Health and
3 Safety Code, to read:

4
5 Article 6.7. Food Recalls

6
7 110808. Subject to the rights and procedures established
8 pursuant to Chapter 4.5 (commencing with Section 11400) of
9 Division 3 of Title 2 of the Government ~~Code~~, *Code and Section*
10 *110145 of this code*, and in accordance with regulations adopted
11 pursuant to this code, the State Public Health Officer may adopt
12 regulations for the voluntary recall of food that, without
13 intervention, could transmit an illness that could kill or seriously
14 affect the health of humans, including, in addition to the original
15 condition, those clinically plausible secondary illnesses, infections,
16 pathogens, contagions, toxins, or conditions arising from the effects
17 of the original.